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Attorney's Docket No.: 3109.1000-002

Expedited Procedure under 37 C.F.R. § 1.116

Examining Group 3624

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• 10/9/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mordechai M. Beizer, Daniel Berg, Rand Scullard, Pradeep R. Simha  
and Mark A. Solomon

Application No.: 09/136,244 Group: 3624

Filed: August 19, 1998 Examiner: Ella Colbert

For: STRUCTURED WORKFOLDER

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Date <u>10/9/03</u>	Signature <u>Pamela Sarno</u>
Typed or printed name of person signing certificate <u>PAMELA SARNO</u>	

AMENDMENT AFTER FINAL REJECTION UNDER 37 C.F.R. § 1.116

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Amendment After Final Rejection is being filed in response to a Final Office Action sent by facsimile from the U.S. Patent and Trademark Office on September 24, 2003 in the above-identified application. Applicant's attorney requested the Final Office Action be faxed to

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Applicant's attorney during a telephone call received from the Examiner, in which the Examiner inquired if the Applicant had filed a response to the Final Action which was posted in PAIR as having been mailed on January 31, 2003. Applicant's attorney (the correspondence address of record) did not receive the Final Action until the September 24, 2003 facsimile transmission of same.

Although the Final Action was indicated in the USPTO PAIR system as having a mail date of January 31, 2003, Applicant's attorney has learned in a telephone interview, on October 7, 2003 with the Examiner that, in fact, the Final Action was never mailed from the USPTO and the mail envelope and Final Action <sup>WAS</sup> ~~are~~ still in the USPTO File Wrapper.

Applicant's attorney believes that if the Final Action was actually mailed on January 31, 2003, the application would have been statutorily abandoned on July 31, 2003 for failure to timely respond to the Final Action. However, the application cannot be abandoned because the Final Action in fact was never mailed.

Although Applicant's attorney believes the application is not abandoned, Applicant's attorney, in the alternative, is concurrently submitting a Petition to Withdraw Holding of Abandonment for Failure to Respond to an Office Action in view of the fact the subject Final Action was not received.

Please amend the application as follows: